

Exhibit B to Unopposed Request for Voluntary Dismissal

Stipulation of Settlement with
Third Coast Towing, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff

v.

THIRD COAST TOWING, LLC, ET AL.

Case No. 3:16-cv-34-CWR-FKB

**JOINT STIPULATION OF SETTLEMENT BETWEEN PLAINTIFF
UNITED STATES OF AMERICA AND DEFENDANT THIRD COAST TOWING, LLC
AND ORDER OF DISMISSAL REGARDING CLEAN WATER ACT PENALTIES**

WHEREAS, Plaintiff, the United States of America, on behalf of the United States Coast Guard ("USCG"), filed a Complaint on January 22, 2016 in this action [Document No. 1] seeking civil penalties from Defendant Third Coast Towing, LLC, and another defendant for alleged violation of Sections 311(b)(3) of the Clean Water Act, 33 U.S.C. § 1321(b)(3), ("the Act" or "CWA"), as well as seeking reimbursement of costs to the Oil Spill Liability Trust Fund pursuant to the Oil Pollution Act, 33 U.S.C. § 2701 et seq. pertaining to an oil spill on the Mississippi River in the area of the Vicksburg Bridge on January 27, 2013.

WHEREAS, this Joint Stipulation of Settlement Between Plaintiff United States of America and Defendant Third Coast Towing, LLC and Order of Dismissal (hereinafter referred to as "Stipulation of Settlement and Order") pertains only to Plaintiff United States' claim against Defendant Third Coast Towing, LLC, ("Defendant Third Coast"), for civil penalties under Section 311 of the Act, 33 U.S.C. § 1321(b)(7); and not to the United States' claim for recovery of costs

under the Oil Pollution Act, 33 U.S.C. § 2701 et seq; or to any claims asserted by the United States against any other party in the Complaint;

WHEREAS, Defendant Third Coast denies Plaintiff's allegations;

WHEREAS, the United States and Defendant Third Coast agree that settlement of this action without further expense and litigation is in the public interest and that entry of this Stipulation of Settlement and Order is the most appropriate means of resolving the instant matter;

NOW, THEREFORE, before the taking of any testimony, without adjudication or admission of any issue of fact or law, and upon consent and agreement of the United States and Defendant Third Coast by their attorneys and authorized officials to this Stipulation of Settlement and Order, it is hereby agreed and stipulated to that:

1. Within thirty (30) calendar days after entry of the Stipulation of Settlement and Order, Defendant Third Coast shall pay a civil penalty in the amount of \$25,000 to the United States of America for the violation of Section 311(b)(3) of the Act, 33 U.S.C. §1321(b)(3), alleged in the Complaint.

2. Defendant Third Coast shall pay the civil penalties due by certified check or FedWire Electronic Funds Transfer ("EFT") to the U.S. Department of Justice in accordance with written instructions to be provided to Defendants by the Financial Litigation Unit ("FLU") of the United States Attorney's Office for the Southern District of Mississippi after the Stipulation of Settlement and Order has been entered by the court. Such monies are to be deposited in the Oil Spill Liability Trust Fund. The payment shall reference the Civil Action Number assigned to this case and DOJ Number 90-5-1-1-11466 and shall specify that the payment is made toward CWA civil penalties to be deposited into the Oil Spill Liability Trust Fund pursuant to 33 U.S.C. § 1321(s) and 26 U.S.C.

§ 9509(b)(8).

3. At the time of payment, Defendant Third Coast shall send a copy of the check or EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the civil penalties owed pursuant to this Joint Stipulation of Settlement in this case and shall reference the Civil Action Number assigned to this case and DOJ Number 90-5-1-1-11466, to:

Director
National Pollution Funds Center
US Coast Guard Mailstop 7605
2701 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7605

Chief
Office of Claims and Litigation CG-LCL
United States Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7213

And to:

Chief
Environmental Enforcement Section
Environment and Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611
DOJ Ref. No. 90-5-1-1-4466

4. Defendant Third Coast shall not deduct any penalties paid under this Decree pursuant to this Joint Stipulation of Settlement and Order of Dismissal in calculating its federal income tax.

5. Timely payment of the above referenced civil penalty shall constitute full settlement of the claims of the United States against Defendant Third Coast for civil penalties for the violation of Section 311(b)(3) of the Act, 33 U.S.C. §1321(b)(3), alleged in the Complaint filed in this action. This Stipulation of Settlement and Order shall not limit any rights or remedies available to the United States for any violation by Defendant of the Act and associated regulations or permit conditions, including but not limited to criminal violations, other than the United States' civil penalty claim under Section 311(b)(3) of the Act, 33 U.S.C. §1321(b)(3) alleged in the Complaint in this action. The United States expressly reserves all rights and remedies, legal and equitable, available to it for all violations of the Act that are not alleged in the Complaint. The United States reserves all rights and remedies, legal and equitable, available to enforce the provisions of this Stipulation of Settlement and Order.

6. Upon entry of this Joint Stipulation of Settlement and Order by the Court, the United States' claims for civil penalties for the violations alleged in the Complaint filed in this action shall be dismissed with prejudice. Each party shall bear its own costs and attorneys' fees.

7. In the event that Defendant Third Coast fails to pay the full amount of the civil penalty required by Paragraph 1 when due, upon motion by the United States, the dismissal shall be vacated and this civil action against Defendant Third Coast shall be reinstated.

8. If the civil penalty required by Paragraph 1 is not paid within 30 calendar days after entry of the Stipulation of Settlement and Order by the Court, Defendant Third Coast shall pay \$250 per day for each day that the civil penalty required by Paragraph 1 is late, without demand, in addition to accrued interest in accordance with the statutory judgment interest rate provided for in 28 U.S.C. § 1961.

9. If the civil penalty required by Paragraph 1 is not paid within 30 calendar days after entry of the Stipulation of Settlement and Order by the Court, the Stipulation of Settlement and Order shall be an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil Procedure, the Federal Debt Collection Procedure Act, 28 U.S.C. §§ 3001-3308, and other applicable authority. Further, Defendant Third Coast shall be liable for reasonable attorney's fees and costs incurred by the United States to collect any amounts due under this Stipulation of Settlement and Order. The United States shall be deemed a judgment creditor for purposes of collection of any unpaid amounts of the civil and stipulated penalties and interest.

10. The provisions of the Stipulation of Settlement and Order shall apply to, be binding on and inure to the benefit of the parties to this Stipulation, and their successors and assigns.

11. If for any reason the Court should decline to enter this Stipulation of Settlement and Order, this agreement is voidable at the sole discretion of any party and the terms of the agreement may not be used as evidence in any litigation between the Parties.

FOR PLAINTIFF UNITED STATES OF AMERICA

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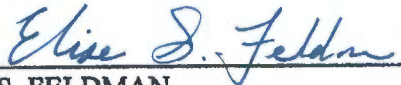
ELLEN M. MAHAN

Deputy Chief

Environmental Enforcement Section

Environment and Natural Resources

Division

A handwritten signature in blue ink, appearing to read "Elise S. Feldman", written over a horizontal line.

ELISE S. FELDMAN

Senior Counsel

Environmental Enforcement Section

U.S. Department of Justice

301 Howard Street, Suite 1050

San Francisco, CA 94105

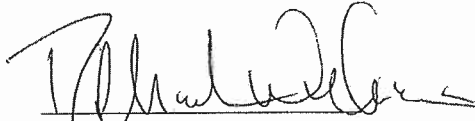
FOR UNITED STATES COAST GUARD



Chief

Office of Claims and Litigation CG-LCL
United States Coast Guard
2703 Martin Luther King Jr. Avenue, SE
Washington, DC 20593-7213

FOR DEFENDANT THIRD COAST TOWING, LLC, now known as NGL
Marine, LLC



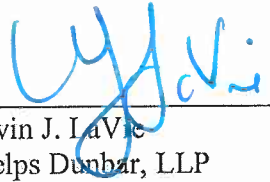
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